

## Minutes of the September 28, 2012 Regular Council Meeting

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Call to Order and Flag Salute at 3:35 pm by Mayor Serio.

Council in Attendance: Serio, Bunting, Langan, Weistling, Tingle and Smallwood

Absent: Carmean

### President's Report

- Mayor Serio reported that fall and winter projects are underway including street re-paving and construction of sidewalks in front of Town Hall from Cannon to Bayard Street.
- The Cannon Street Park is progressing; engineering studies are near completion for the dock and staging area. The Barefoot Gardeners will install a demonstration rain garden in late October/early November. Mayor Serio is working with the Barefoot Gardeners and the Center for the Inland Bays on funding and technical assistance.
- Tom Sombar Associates is completing the annual Town Audit.
- Public Works employee James Purnell is on sick leave after a foot operation. He hopes to return to work soon.
- Bryan Reed's sister was involved in a serious motor vehicle accident and is making a slow recovery. There is a benefit dinner at the Roxanna Fire House on 9/29/2012 to assist with medical expenses. Bryan Reed is the Public Works Supervisor.
- Committee and Commission assignments will be announced at the next regular council meeting. Anyone interested in volunteering should contact Mayor Serio or Town Clerk DiPietrantonio.

### Topics for Discussion and Possible Action

#### a. Ambulance Service Agreement

Town Manager Burke submitted a copy of the amended Bethany Beach Volunteer Fire Company and EMS Ambulance Service Agreement to Council for consideration. Some language is being deleted but the basic agreement remains the same.

#### DISCUSSION

Mayor Serio advised that the language to be removed has been a part of the original agreement and was put there in the hopes of securing State and County backing with a firm commitment of dedicated funds. While some funds have been made available, no dedicated funding has been forthcoming and so the language is being removed. A brief discussion followed as to the possible reason(s) for the State and County reluctance to commit.

Motion to approve the contract with the removal of the two items indicated – Council Member Langan

Second – Council Member Bunting

Vote: All in favor (6-0)

#### b. Street Repaving

Town Manager Burke advised that the town received two (2) bids for the repaving project. Jerry's Paving base bid was \$134,980.51 plus additional alternative work brings the final bid to \$156,195.52. Delmarva Paving base bid was \$154,845.45 with additional alternative work bringing the final bid to \$183,819.60. Town Manager Burke recommended awarding the bid to Jerry's Paving.

#### DISCUSSION

Town Manager Burke advised that he would like to include Essex Street in the project for another \$12,000. The total cost will be under the capital budget of \$180,000. The project will take approximately 19 working days and be done in late October/early November weather permitting. The town thanks Representative Gerald Hocker for assisting with a CTF grant of \$50,000. Since this is State funding, the project must be completed using prevailing wage guidelines. Council Member Weistling noted that Kercher Engineering has recommended a \$6700 bump in the base price to cover a portion of another street that requires attention.

Motion that the Town Council, based on the recommendations of the Town Manager and the town engineering firm, Kercher Engineering Incorporated, award the 2012 Fall Street Resurfacing/Repairing Project as advertised and bid to Jerry's Paving at a cost of \$162,945.51. This project was bid in accordance with State and Fenwick Island procurement policies and the State prevailing wage rates will be used. These funds will come from a \$50,000 grant from Representative Hocker and the remainder from town designated funds. – Council Member Weistling

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Second – Council Member Langan

Vote: All in favor (6-0)

Motion to approve spending up to a maximum of \$17,054.49 for additional street repairs, resurfacing and engineering services (funds will come from town designated funds) – Council Member Weistling

Second – Council Member Langan

Vote: All in favor (6-0)

## **Approval of Minutes:**

Motion to Approve the Minutes of August 28, 2012 Meeting - Council Member Weistling

Second - Council Member Smallwood

DISCUSSION – None

Vote: All in favor (6-0)

## **Treasurer's Report:**

Council Member Bunting advised the town is showing income above what was estimated for this time of year. The town has opened a new Money Market account that gives a higher rate of return than the previous.

Motion to accept the Treasurer's Report – Council Member Tingle

Second – Council Member Langan

DISCUSSION - None

Vote: All in favor to accept the Treasurer's report (6-0)

## **Town Manager Report:**

Town Manager Burke reported that:

- Soule' & Associates PC design firm is working on the plans for the kayak launch, a 25X15 stationary dry dock to blend with Cappel & Associates landscape recommendations. Per Delaware Code, plans will be sent to the State Accessibility Board for review and approval prior to construction.
- The Median Working Group is working with Sposato Landscaping on a plan to renovate the medians. Plans are subject to DelDOT approval.
- Delmarva Power is replacing 18 poles beginning this month and continuing into early 2013.
- Town Hall renovations are continuing. New aerial maps have been acquired and are on display. Thanks to Sussex County mapping department for their work.
- Mobi Mats will remain until the week of 10/8/12. They must be removed no later than 10/15/12 to meet DNREC requirements.

## **Department Reports:**

- Building Official – Patricia Schuchman advised that her report is included in the meeting packet.
  - The town has submitted its annual CRS recertification application and is waiting for results.
  - She issued 7 Outside Contractor licenses, 3 Rental licenses and no Resident Merchant licenses.
  - Several properties have sold and the town can expect four new houses under construction soon.
- Fenwick Island Beach Patrol – Captain Tim Ferry reported in addition to his report included in the booklet, his patrol had an excellent season and is looking forward to many guards returning next year. The Fenwick Flicks was a success.
- Police Department – Chief Boyden reported that in addition to his report (included in Council booklet) there is a drug take-back program on Saturday, 9/29/12. Closest drop off points are in Ocean View, Selbyville and South Bethany.
- Public Works – Bryan Reed advised that his report is included in meeting packet.
  - He thanked Jim Purnell and Vaughn McCabe for filling in for him during his recent absence.

## **Committee Reports:**

- Beach Committee – No report
- Environmental Committee – Chair Mary Ellen Langan reported that the committee has proposed a smoking ban and will bring their proposal to Council next month. The next meeting is on 10/18/12 at 2:30 PM.

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**Planning Commission:** No report

## **Charter & Ordinance**

- **Proposed First Reading Chapter 61 ADA Access – Council Member Weistling**

Council Member Weistling motioned that Council accept the proposed First Reading (copy attached to these minutes)  
Second – Council Member Langan

### **DISCUSSION**

Council Member Weistling advised that this change adds 61-D (1) a) and adds the word “pavers” to 61-D-(2). The town has had a request from a property owner to place pavers in the right-of-way for handicap access. Building Official Schuchman advised that he will not be able to do so under the current ordinance. After researching ADA requirements, it is suggested that the new section be added so that the town will be in compliance. The area will be 5’ wide and contain a separating joint at the edge of the street and the edge of the driveway. If the town needs to remove the existing, it will return it to its original condition so long as it does not hinder drainage.

VOTE: All in favor (6-0)

- Council Member Weistling advised that the next C&O meeting is 10/9/12 at 9:30 AM at which time they will discuss concessions (primarily on the beach). Town Manager Burke added that the State beach is willing to work with the town if it should decide to allow concessions.

## **Old Business**

Mayor Serio advised that the trash collection schedule changes that include curbside recycling and yard waste from October through April are available at Town Hall.

## **New Business – No Action to be Taken**

None

## **Public Participation:**

- Buzz Henifin (48 Windward Way) – advised that Lynn and Dave Andrews’ son has passed away. He also advised that the James Farm will hold its annual bar-b-q on 9/29/12 (11-3). Cost is \$25.
- Mike Quinn (5 W Houston St) – asked if the town will lose parking spaces when the sidewalk is finished. Town Manager Burke advised that the two spaces in front of Town Hall will be removed but one space near the Public Safety Building will be reclaimed as it does not currently meet ADA requirements.
- John Belian (1 W Houston St) – advised that the Fishing Tournament is scheduled for 10/6/12.

## **Upcoming Events and Meetings:**

Mayor Serio announced all upcoming meetings and events.

Motion to adjourn – Council Member Weistling

Second – Council Member Smallwood

Meeting adjourned at 4:20 PM.

Agnes DiPietrantonio, Town Clerk  
for Diane Tingle, Secretary

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## *Proposed First Reading – September 28, 2012*

D. The Town of Fenwick Island shall maintain grading, ditching and surfacing along public roads, as is necessary and practical in order to maintain proper drainage. In order to maintain effective surface water drainage systems, no structures (except mailbox posts), including fencing, walls or hard paving (e.g., concrete, asphalt, brick), may be installed by a property owner or his contractor in the Town's right-of-way between the edge of a paved street and the owner's property line **except as provided for in § 61-10D(1)(a) of this Chapter.**

(1) The Town will install a gray-colored, crushed stone accessway, up to 20 feet wide, and any necessary underground piping in the Town's right-of-way area between the street edge and the edge of a private property. Use of any other types of stone in this accessway must be approved by the Department of Public Works and paid for by the property owner.

a) **To provide persons with disabilities access to the street through the right-of-way, upon receipt of an appropriate request from a property owner, the Town will construct a poured concrete walkway not more than 5 feet wide and shall extend in length from the edge of the street to property line. Use of any other type of solid surface material in this accessway will require a separation joint at the property line and must be approved by the Department of Public Works. The installation of materials other than poured concrete and any repair or replacement of same shall be paid for by the property owner. Such installation shall be installed so as not to restrict drainage in the right-of-way and must be inspected by the Department of Public Works prior to and upon completion.**

(2) Accessways for private driveway areas wider than 20 feet will be installed by the Public Works Department, including any required underground piping, and paid for by the property owner, provided that such wider accessways are deemed by the Public Works Department not to interfere with the effective operation of the surface water drainage system. A "private driveway area" is defined as having a structural base of stone, shell, concrete, **pavers** or macadam.

(3) A structure not conforming to this article at the time of its enactment will be allowed to continue until such time that the Public Works Department determines that the structure needs to be removed or altered for the purpose of repairs or modifications to the road, drainage system (e.g., replacement of underground piping) or public utilities. At such time, the nonconforming structure may be removed or altered by the Public Works Department, and, if necessary, the area restored in conformance to this article at the Town's expense.